

EXHIBIT D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

REDACTED TRANSCRIPT OF MOTION FOR PRELIMINARY INJUNCTION
BEFORE THE HONORABLE JOSEPH N. LAPLANTE

Appearances:

For the Plaintiff: William E. Christie, Esq.
Alexander William Campbell, Esq.
Shaheen & Gordon

For the Defendant: Daryl J. Lapp, Esq.
Elizabeth H. Kelly, Esq.
Locke Lord LLP

Court Reporter: Liza W. Dubois, RMR, CRR
Official Court Reporter
U.S. District Court
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Concord, New Hampshire 03301
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1 favor of females over males. I don't see that in the
2 record and I didn't hear any evidence today that would
3 suggest gender bias to me, although certainly it does
4 appear that Dartmouth's been under a lot of pressure
5 about gender bias issues and sexual inequity on campus.
6 There's no question that's in the air. And, frankly,
7 that's one of the reasons why, honestly, this case
8 probably -- I don't want to prejudge anything, I have an
9 open mind if the motion's filed -- but I think this case
10 likely survives 12(b) scrutiny.

11 I don't think it gets dismissed on the
12 complaint. And that's one of the reasons, because a
13 jury could probably find gender bias here if it wanted
14 to. I just don't find a likelihood of success on that,
15 on the Title IX claim.

16 There's also evidence here -- I mean, I don't
17 have to recount it all. There were several
18 investigations by the federal government regarding
19 Dartmouth's handling of sexual misconduct. There's a --
20 this ongoing controversy regarding a lawsuit last
21 November against Dartmouth for ignoring sexual
22 harassments by professors -- I think it was in the
23 psychology department? I'm not sure. You people are
24 nodding from Dartmouth here. The psychology department,
25 yeah.